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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/735,588  | 12/12/2000  | Randy George         | AUS920000563US1     | 4952             |
| 35525   | 7590        | 06/30/2005           | EXAMINER            |                  |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                      | BAROT, BHARAT       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2155                |                  |

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/735,588

Applicant(s)

GEORGE ET AL.

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005 and 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-6,8-11,13-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/06/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**RESPONSE TO APPEAL BRIEF AND IDS**

1. Claims 1, 3-6, 8-11, 13-16, and 18-22 remain for further examination.

**The new grounds of rejection [Claim Rejections - 35 USC § 112]**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1, 3-6, 8-11, 13-16, and 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, and 21 recite the limitations "the components" and "the applications", there is insufficient antecedent basis for these limitations in the claims 1, 11, and 21. Specifically, " the applications" is unclear about the user specific application or run applications. Additionally, the locations of the both creating steps are unknown.

Claims 6, 16, and 22 recite a step of reading which is unclear about reading from where and reading in response to; and also a step of changing is unclear about an operating system of who/what. Additionally, the locations of the both steps, reading and changing, are unknown.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

**The old rejection maintained**

4. The rejection is respectfully maintained as set forth in the last Office Action mailed on January 05, 2005.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3-6, 8-11, 13-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilde et al (U.S. Patent No. 6,446,260). Wilde's patent meets all the limitations for claims 1, 3-6, 8-11, 13-16, and 18-22 recited in the claimed invention.

7. As to claim 1, Wilde et al teach a method for updating client computers with user specific application enablement (see abstract; figures 1-2 and 4; and column 6 line 28 to column 7 line 36), comprising: creating a component control file which defines enablement components needed to run applications from a file server assigned a user on a client and actions to be performed to install the components, the components

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comprises required changes to an operating system of the client (figures 1-2; and column 7 line 37 to column 9 line 31); and creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications (figures 1-2 and 4; column 9 line 32 to column 10 line 62; and column 12 lines 15-48).

8. As to claims 3-4, Wilde et al disclose that the component control file is stored in a server the installation control file is also stored in a server (figures 1 and 4; column 9 lines 32-43; and column 12 lines 15-48).

9. As to claim 5, Wilde et al disclose that the installation control file is stored in a user-specific profile area in the server (figures 1 and 4; column 9 lines 32-43; column 10 lines 46-62; and column 12 lines 15-48).

10. As to claim 6, Wilde et al teach a method for updating client computers with user specific application enablement (see abstract; figures 1-2 and 4; and column 6 line 28 to column 7 line 36), comprising: reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client; and changing an operating system according to each of the enablement components not installed on the client (figures 5-9; and column 12 line 49 to column 14 line 7; and column 14 line 59 to column 16 line 28).

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11. As to claims 8-9, they are also rejected for the same reasons set forth to rejecting claims 3-5 above.

12. As to claim 10, Wilde et al teach the step of: prompting the user before installing the enablement components (column 9 lines 32-43; column 10 line 13 to column 11 line 55; and column 12 line 49 to column 13 line 5).

13. As to claims 11, 13-16, and 18-20, they are also rejected for the same reasons set forth to rejecting claims 1, 3-6, and 8-10 above, since claims 11, 13-16, and 18-20 are merely a computer program product for the method of operation defined in the claims 1, 3-6, and 8-10.

14. As to claims 21-22, they are also rejected for the same reasons set forth to rejecting claims 1 and 6 above, since claims 21-22 are merely an apparatus for the method of operation defined in the claims 1 and 6.

### **Response to Arguments**

15. Applicant's arguments with respect to claims 1, 3-6, 8-11, 13-16, and 18-22 filed on September 10, 2004 have been fully considered but they are not deemed to be persuasive for the claims 1, 3-6, 8-11, 13-16, and 18-22. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

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**Contact Information**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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June 24, 2005

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**